

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ED BUTOWSKY,

Plaintiff,

V.

**DAVID FOLKENFLIK; NPR, INC.;
NPR.ORG; JARL MOHN; STACEY
FOXWELL; MICHAEL ORESKES;
CHRISTOPHER TURPIN; EDITH
CHAPIN; LESLIE COOK; HUGH
DELLIOS; PALLAVI GOGOI; and
SARAH GILBERT,**

Defendants.

[illegible]

CASE NO. 4:18-cv-00442-ALM

EXHIBIT LIST TO SUR-REPLY

Exhibit A Declaration of Laura Lee Prather

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| Exhibit A-1. | Ty Clevenger LawFlog Blogpost entitled “Why won’t Seth Rich’s brother authorize Wikileaks to tell what it knows?” dated June 11, 2018 |
| Exhibit A-2. | Email from Ty Clevenger to Bill Binney, Kirk Wiebe and Butowsky dated June 27, 2019 (BINNEY 00009) |
| Exhibit A-3. | Email from Butowsky to Wheeler dated May 16, 2017 encouraging Wheeler to re-sign an altered copy of the contract (WHEELER 0000348-49) |
| Exhibit A-4. | Dkt. 54-1, Butowsky’s Motion to Dismiss in <i>Joel & Mary Rich v. Fox News, et al.</i> , Civil Action No. 1:18-cv-2223 pending in the U.S. District Court, Southern District of New York |
| Exhibit A-5. | Email from Butowsky to Joel Rich dated March 3, 2017 in which Butowsky sends Joel Rich the agreement for Wheeler. (BUTOWSKY 0000473-76) |
| Exhibit A-6. | Emails between Joel Rich and Butowsky from February 28, 2017 through March 3, 2017 (BUTOWSKY 0000978-80) |
| Exhibit A-7. | Emails between Butowsky and Joel Rich dated March 3-5, 2017 (BUTOWSKY 0000456-57) |

- Exhibit A-8. Text messages between Butowsky and Wheeler dated March 6, 2017 (WHEELER 0000903)
- Exhibit A-9. Email from Joel Rich to Butowsky enclosing the signed agreement dated March 14, 2017 (BUTOWSKY 0000574)
- Exhibit A-10. Emails between Joel Rich and Butowsky with Butowsky promising results from the Wheeler investigation dated March 12-13, 2017 (BUTOWSKY 0000910)
- Exhibit A-11. Email from Butowsky to Zimmerman, Wheeler, and Adam Housley dated March 29, 2017 commanding a four-way Zoom meeting (WHEELER 0000177)
- Exhibit A-12. Emails between Butowsky, Wheeler, and Zimmerman (WHEELER 0000039, 47, 98, 159, and 182)
- Exhibit A-13. Email from Butowsky to Wheeler regarding Wheeler's upcoming interview with DC Detective DellaCamera dated April 23, 2017 (BUTOWSKY 0000068)
- Exhibit A-14. Email from Butowsky to Zimmerman and Wheeler instructing them not to contact Sy Hersh dated March 8, 2017 (BUTOWSKY 0000442-43)
- Exhibit A-15. Text messages between Butowsky, Wheeler, and Kash Patel (aka Dee O.) in which Butowsky repeatedly insists that Wheeler meet with Patel dated April 27, 2017 – May 4, 2017 (WHEELER 0000877-80)
- Exhibit A-16. Text messages between Butowsky, Wheeler and Kash Patel (aka Dee O.) in which Butowsky repeatedly insists that Wheeler meet with Patel dated April 27, 2017 – May 4, 2017 (WHEELER 0000940-41)
- Exhibit A-17. Email from Butowsky to Zimmerman and Wheeler enclosing background information on Seth Rich's girlfriend, Kelsey Mulka and her parents dated March 13, 2017 (BUTOWSKY 0000061-62)
- Exhibit A-18. Emails between Butowsky and Zimmerman in which Butowsky says: "Let's see if Kelsey has something for *us*" dated March 30, 2017 (BUTOWSKY 0000066)
- Exhibit A-19. Email from Butowsky to Sy Hersh inviting Hersh to lunch dated April 20, 2017 (BUTOWSKY 0000296)
- Exhibit A-20. Emails between Butowsky and Sy Hersh in which Hersh corrects Butowsky on his mistaken assumptions about their prior conversation dated May 5, 2017 (BUTOWSKY 0000992)

- Exhibit A-21. Emails between Butowsky and Sy Hersh in which Hersh corrects Butowsky on his mistaken assumptions about their prior conversation dated June 2, 2017 (BUTOWSKY 0000871)
- Exhibit A-22. Emails between Butowsky and Sy Hersh in which Butowsky asks Hersh for the name of his alleged source dated June 2, 2017 through June 27, 2017 (BUTOWSKY 0000869)
- Exhibit A-23. Email from Butowsky dated March 4, 2017 with draft of article including Wheeler quotes that need to be confirmed. “He might want some of these to not be attributed to him” (BUTOWSKY 0000340-43)
- Exhibit A-24. Email from Zimmerman to Butowsky and Wheeler asking them to “ask your sources” a list of questions for confirmation prior to reporting in the Fox News article dated May 11, 2017 (BUTOWSKY 00001180)
- Exhibit A-25. Email from Butowsky to Fox News executives, producers and on-air talent claiming to “actually [be] the one who’s been putting [the Seth Rich story] together” dated May 15, 2017 (WHEELER 0000493-99)
- Exhibit A-26. Emails between Butowsky and Zimmerman in which Butowsky suggests adding Donna Brazile into the Fox News article or doing a separate Donna Brazile article dated May 15, 2017 (BUTOWSKY 0000953-58)
- Exhibit A-27. Emails between Zimmerman and Greg Wilson in which Zimmerman explains the NSA source is speaking with Butowsky, and Wilson explains why the story is flawed dated May 18-19, 2017 (BUTOWSKY 00001044-45)
- Exhibit A-28. Declaration of Edward Butowsky, Docket Entry 32-1 in the action *Clevenger v. U.S. Dep’t of Justice, et al.*, Case No. 1:18-cv-1568-LB (E.D.N.Y. Sept. 17, 2019)
- Exhibit A-29. Emails between Butowsky and Zimmerman in which Butowsky drafts statement for Fox News to issue in response to Rich family’s complaints about the article dated May 19-20, 2017 (BUTOWSKY 0001089-94)
- Exhibit A-30. Email between Wheeler and Butowsky dated May 20, 2017 in which Wheeler states: “I just noticed ‘my response’ posted on your Facebook page ... I never approved of this ‘response.’” (WHEELER 0000419-20)
- Exhibit A-31. Emails between Butowsky and Admiral James Lyons in which Butowsky asks to write an OpEd for Lyons to submit to the *Washington Times* dated February 24-25, 2018 (BUTOWSKY 00001132-33)
- Exhibit A-32. Emails between Butowsky and Admiral James Lyons with draft Butowsky wrote entitled “Open Letter to Attorney General Sessions” dated February 26, 2018 (BUTOWSKY 0000370-71)

- Exhibit A-33. Emails between Butowsky and Admiral James Lyons in which Lyons says he has made a few changes “because the *Times* will not print ‘open letters’. I can easily get around that! However, how do I know all those details about the Seth Rich murder...” dated February 26, 2018 (BUTOWSKY 0001036-38)
- Exhibit A-34. Email from Admiral James Lyons to Butowsky asking Butowsky to look at the OpEd now because it will be submitted in the next 30 minutes dated February 28, 2018 (BUTOWSKY 00000835)
- Exhibit A-35. Emails between Butowsky and Jim Hoft in which Butowsky forwards “proof” that “emails were download[ed] to a thumb drive (Seth rich maybe)” dated February 13, 2019 (BUTOWSKY 0001413)
- Exhibit B Sally Davis Declaration dated March 13, 2020